

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PEDRO GARCIA,

Plaintiff(s),

-against-

MID-ISLAND WHOLESALE FRUIT &  
PRODUCE, INC.,

Defendant(s).

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**WILLIAM D. WALL, United States Magistrate Judge:**

**REPORT AND**

**RECOMMENDATION**

CV 10-748 (JFB) (WDW)

At a conference held on August 16, 2011, plaintiff's counsel reported problems with contacting the plaintiff and asked that the case be administratively closed. Defense counsel previously withdrew, leaving the corporate and individual plaintiffs without representation. Plaintiff's counsel cannot proceed unless he succeeds in contacting his client, and I recommend that the case be administratively closed for 45 days to give plaintiff's counsel a further opportunity to contact Mr. Garcia. At the end of that time period, he must inform the court in writing of his efforts to contact Garcia, and if those efforts have not been successful, I will recommend dismissal for failure to prosecute.

Counsel for the plaintiff, Roman Avshalumov, must serve copies of this Report & Recommendation on the three defendants upon receipt, and must file proof of service with the court.

**OBJECTIONS**

A copy of this Report and Recommendation is being sent to counsel for the plaintiffs by electronic filing on the date below. Any objections to this Report and Recommendation must be filed with the Clerk of the Court within 14 days. *See* 28 U.S.C. §636 (b)(1); Fed. R. Civ. P. 72; Fed. R. Civ. P. 6(a) and 6(d). Failure to file objections within this period waives the right to

appeal the District Court's Order. *See Ferrer v. Woliver*, 2008 WL 4951035, at \*2 (2d Cir. Nov. 20, 2008); *Beverly v. Walker*, 118 F.3d 900, 902 (2d Cir. 1997); *Savoie v. Merchants Bank*, 84 F.3d 52, 60 (2d Cir. 1996).

Dated: Central Islip, New York  
August 18, 2011

/s/ William D. Wall  
WILLIAM D. WALL  
United States Magistrate Judge